

The Problem of the Question About Animal Ethics: Discussion with Mark Coeckelbergh and David Gunkel

Michał Piekarski¹

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Abstract In this article I discuss the thesis put forward by David Gunkel and Mark Coeckelbergh in their essay *Facing Animals: A Relational, Other-Oriented Approach to Moral Standing*. The authors believe that the question about the status of animals needs to be reconsidered. In their opinion, traditional attempts to justify the practice of ascribing rights to animals have been based on the search for what is common to animals and people. This popular conviction rests on the intuition according to which we tend to treat better those beings that are closer to us and resemble man in one way or the other. The attempts to ascribe a special status to animals are therefore based on the question “What properties does the animal have?”. However, the question is not well formulated because it leads to a number of ontological and epistemological problems. The question should rather be “What are the conditions under which an entity becomes a moral subject?”. Whilst fully subscribing to the suggestion, I cannot agree to the way the question is understood by both authors. I will demonstrate that the question opens up a transcendental dimension of reflections and may provide a clear justification of the need to engage in animal ethics. To do so, I will separate the easy and hard problems of animal ethics and use a different approach from the one suggested by Gunkel and Coeckelbergh to demonstrate how the need to pursue animal ethics may be justified.

Keywords Animal ethics · Moral language · Question · Normativity

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✉ Michał Piekarski
m.piekarski@uksw.edu.pl

¹ Institute of Philosophy, Cardinal Stefan Wyszyński University in Warsaw, Wójcickiego 1/3 St., 01-938 Warsaw, Poland

Introduction

In their article *Facing Animals: A Relational, Other-Oriented Approach to Moral Standing*, Mark Coeckelbergh and David Gunkel claim that the question about the status of animals must be posed again. In their opinion, attempts to justify the practice of ascribing rights to animals have been based on the search for what is common to animals and people. This popular conviction rests on the intuition according to which we tend to treat better those beings that are closer to us and resemble man in one way or the other. This natural intuition is used in the reflections of some philosophers espousing the analytical paradigm of philosophy. Among others, Gunkel and Coeckelbergh cite Peter Singer and Tom Regan. They both say that we should accord certain rights to at least some animals (apes) as, to an extent, they share the fate of people. What does this mean? Some animals are no different from people in certain aspects of their lives. In his most famous book, *Animal Liberation* (1975), Singer refers back to Jeremy Bentham's reflections to say that what is common to men and animals is that both are capable of suffering.¹ In the face of suffering, we are all equal. The suffering of animals is in no way worse than the suffering of man. The ability to feel pain is an evolved trait which we share with a major part of the animal world (de Waal 2016). Tom Regan points out that both humans and animals are "subjects-of-a-life" which, to him, means that they have similar experiences, desires, propensities and feelings. We and animals belong to the same world which is our common welfare (Regan 1983).

Gunkel and Coeckelbergh suggest that such attempts to ascribe a special status to animals are based on the question "What properties does the animal have?" (Coeckelbergh and Gunkel 2014, p. 716). The question is not biological, anatomical or metaphysical but pre-normative as its purpose is to grant rights to at least some animals. In this approach "moral status is something that is to be decided on the basis of individual properties" (Coeckelbergh and Gunkel 2014, p. 717). The authors of the article demonstrate that this solution gives rise to a number of epistemological problems ("Do they really provide of pain and suffering?") and that, by finally considering animals to be capable of suffering or empathy, we perform a moral act allowing us to talk of animals as "who" instead of "what" as emphasised by Derrida (Derrida 2008, p. 80). The act, however, necessitates a key decision (Coeckelbergh and Gunkel 2014, p. 720) which—importantly—goes beyond the perspective adopted by Singer and Regan.

Hence, Gunkel and Coeckelbergh are right in saying that the perspective should be changed. The question "What properties does the animal have?" should be replaced with "What are the conditions under which an entity becomes a moral subject?" (Coeckelbergh and Gunkel 2014, p. 716). Whilst fully subscribing to the suggestion, I cannot agree to the way the question is understood by both authors.

¹ Bentham wrote: "The question is not, 'Can they reason?' nor, 'Can they talk?' but 'Can they suffer?' (Bentham 1780, p. 283).

Transcendental Nature of the Question

First, we need to focus on the specificity of the question posed by Coeckelbergh and Gunkel. The question is not about some properties, features or the nature of objects it relates to (“What properties does the animal have?” is precisely such a question). Instead, it asks about the conditions for the possibility of thinking about an object, the animal in our case, as a possible subject of morality. As such, the question is transcendental, i.e. it does not concern objects but the way of approaching them. Martin Heidegger says that we need to differentiate between the ontic and ontological nature of reflection, the latter making the former possible. The ontological lays bare the horizon within which we are able to understand the ontic or objective (Heidegger 1985, pp. 36–40). The transcendental question about the conditions for the possibility of being a moral subject precedes all questions about the nature of animals, their evolutionary determinants or the fact of their suffering. In a nutshell, before I can think of whether animals can suffer or not, I first have to think of the animal as a potential subject for a reference which, in our case, is moral. The point is not that people first need to reflect on the moral status of animals before they decide that animals can suffer, but rather that this decision alone does not change our attitude towards them. Indeed, it cannot bring about such a change because, for the broadly understood “human” mentality, the animal is the Other, just like blacks, Indians or social outcasts were in the past. In order for discussions about animal suffering or the welfare we share with them to trigger a genuine change in our human relations with the animal world (going beyond mere compassion or sentimental emotion), it is not enough to prove their biological or evolutionary similarity to us by means of empirical or argumentative devices.² We need to ask again who man is and how he becomes man.

Gunkel and Coeckelbergh are fully aware that, to us, the animal is the Other. This is why they interpret the transcendental question in the context of how animals can obtain something that Levinas calls the face (Coeckelbergh and Gunkel 2014, p. 721). Levinas writes that the ethical relations precedes any ontological, biological or physical ones. The Other becomes the Same because it has the face which calls to me. The face calls for universal justice and responsibility for the Other whoever it might be. The ethical relation “is then more cognitive than cognition itself, and all objectivity must participate in it” (Lévinas 1987, p. 56). The kind of ethics based on recognising the face of the Other cannot be reduced to any form of epistemology or ontology. In the words of Matthew Caralco who is cited by the authors of *Facing Animals*, the Other is the one whose status and nature cannot be decided or judged once and for all (Caralco 2008, p. 71). In spite of strong objections from Jacques Derrida who stressed that Levinas does not always approach the animal as Cartesian “bête machine” (Derrida 2008, p. 117), the authors claim that the perspective opened by Levinas’ idea is promising.

Levinas writes: “Signification or intelligibility does not arise from the identity of the same who remains in himself. But from the face of the other who calls upon the same. Signification does not arise because the same has needs, because he lacks

² This is what de Waal (2016) or Tomasello (2009) do, among others.

something, and hence all that is susceptible of filling this lack takes on meaning. Signification is in the absolute surplus of the other with respect to the same who desires him, who desires what he does not lack, who welcomes the other across themes which the other proposes to him or receives from him, without absenting himself from the signs thus given” (Lévinas 1979, pp. 96–97). As we can see, Levinas believes the ethical relation to be asymmetrical. The face of the Other obliges us to recognise his Otherness. The needs of the Other demand to be met. Transposing these remarks onto the discussion about the moral standing of animals, David Gunkel and Mark Coeckelbergh reformulate the question they asked at the beginning. Now it runs as follows: “Under what conditions can an animal take on face?”. The question is still transcendental. Unfortunately, however, they abandon the perspective of transcendentalism and move from the ontological question about conditions to the ontic question “Does this particular animal have a face?” (Coeckelbergh and Gunkel 2014, p. 723).

Why is this question no longer transcendental? After all, Levinas’ ideas of face and the Other are thoroughly transcendental. They are such because, with Levinas, the Other is always a human being (sick, begging or homeless) who talks to us. “The signification of beings in manifested not in the perspective of finality, but in that of language [speech—MP].³ A relation between terms that resist totalization, that absolve themselves from the relation or that specify is, is possible only as language” (Lévinas 1979, p. 97). Animals do not and cannot talk to us. This is why, before we can ask whether they have a face, we first need to reflect on the possible meaning of their having one. As I shall demonstrate, by abandoning the transcendental and ontological dimension in their reflections, Gunkel and Coeckelbergh cannot justify the moral standing of animals.

The Hard and Easy Problem of Animal Ethics

The two kinds of questions I have discussed—the ontological (transcendental) and the ontic whose nature, in the end, is empirical—expose two fundamental problems necessarily confronting each ethics dealing with the problem of animals in the sense of granting them rights or an equal status. I will call the first of these problems hard and juxtapose it to the easy one.⁴ The hard problem of animal ethics relates to the very possibility of thinking about (some) animals as subjects of morality. In what sense can the animal be a subject of rights, norms or privileges? Does it mean it is covered by morality? And, most of all, what does it mean for man that animals are subjects of morality? Does it mean they are part of the human community? If so, can we expect something from them? And what should we expect of us? All these questions come down to the one key issue—what kind of ethics can include in its reflections both man and (other) animals? The easy problem, which we owe to

³ In french original Levinas used here the word “langage” which means language and also speech (Lévinas 2000, p. 99).

⁴ I am making here a direct reference to the famous differentiation between the easy and hard problem of consciousness introduced by David Chalmers (1996). Just like in the case of the philosophy of the mind, in ethics, researchers have also employed different means to circumvent and avoid the hard problem.

Bentham, concerns, as the authors of *Facing Animals* are right to point out, the search for those features or qualities that are common to us and animals. I believe that, unless we answer the questions stemming from the hard problem, any solutions based on the easy problem will be unreliable and provisional. For the point is not so much to change legal provision or legislation as to open the society to the Other which can be represented by the animal. As long as this opening does not take place, ethics will not truly protect animals. By itself, law does not justify or make possible respect, commitment and duty towards the Other. Its function is only to prescribe and we would not like the law to be effective solely because it is peremptory. We would like legal provisions to reflect, at least to a degree, what we believe to be right, just and good.

Why do I believe that Coeckelbergh and Gunkel do not reflect upon the hard problem? I think so because the solution they suggest is empirical instead of normative. Let us consider this further.

Coeckelbergh and Gunkel's Solution

The authors of *Facing Animals* highlight the fact that the question whether the animal can have a face seemingly resembles questions based on the easy problem. Asking about the animal having a face, it seems that we ask about a physical feature or a property acquired through evolution such as the ability to suffer (Coeckelbergh and Gunkel 2014, p. 723). It is not so, however. The “face” is not an empirical concept such as the muzzle or nostrils, but a normative one or, as Levinas would have it, ethical. By ascribing a face to the animal, we start treating it as our brother, neighbour or colleague (Derrida 2008, p. 34). Hence, it seems that the problem lies in our language as “the language we use pre-configures the moral playing field, constraining our thinking in one way rather than another” (Coeckelbergh and Gunkel 2014, p. 723). Starting from this declaration, to which I fully subscribe, the authors arrive at a surprising solution, if I might say so, stating that “we (...) need to open ourselves up to encounters-in-relation in order to provide space within which animals can appear as an Other” (Coeckelbergh and Gunkel 2014, p. 730). Gunkel and Coeckelbergh relate this statement to a call for a material and technological change in our relation to animals. We need to stop the “meat machine” (Coeckelbergh and Gunkel 2014, p. 727). I am surprised how easily both authors move on from transcendental to empirical reflections without wanting to reflect fully on the obstacles to considering at least some animals as moral subjects. They do provide, however, a number of hints helping to identify those obstacles.

Most importantly, as I have mentioned before, they bring up the issue of language. Language is morally charged by its nature because it emphasises the difference between man (“who”) and animal (“what”). It seems that the concept of “animal” is morally neutral. Yet, it is not (Coeckelbergh and Gunkel 2014, p. 726). Taking their cue from Derrida, Coeckelberg and Gunkel say that “There is no Animal in the general singular” (Derrida 2008, p. 47). There are only individual animals, just like there is no single Man but individual people like me, you and her. Philosophy has a tendency to treat animals as living objects or animated tools.

Other, like Descartes, regard animals as “thoughtless brutes” (Descartes 1998; Carruthers 1989; see also: Malcolm 1972). Language classifies reality into what is within and outside morality. It would be hard not to agree that “speech acts have moral consequences” (Coeckelbergh and Gunkel 2014, p. 725). But is it enough to change language to solve the problem of animal ethics? It seems not. Moreover, what would such “language change” consist in? So if it cannot be done, we should rather change our attitude to animals by carrying out specific empirical studies into animals and their relation to people, changing their living conditions and talking about them on the basis of “systematic reasoning” (Coeckelbergh and Gunkel 2014, p. 732).⁵ Although I agree with the authors’ suggestion, I do not find it satisfactory from the cognitive perspective. Instead of solving the hard problem, it only pushes it aside.

Ethics and Language

The solution suggested by the authors of *Facing Animals* works well when applied to the easy problem of animal ethics, but leaves the hard problem untouched. The reason is that Coeckelbergh and Gunkel fail to notice one fundamental interdependence between ethics and language. It is not language that shapes our thinking of animals and the moral ideas we entertain about them. It is our thinking of ethics that does not include animals. What does this mean? The thesis which I want to defend here says: human ethics is the ethics of speaking beings. As a general statement, the thesis does not explain much. But let us analyse it in more detail. I have consciously qualified ethics as “human” because it refers solely to human beings. Its “human” dimension is strictly related to the fact that it is the ethics of speaking beings. I highlight the word “speaking” because I want to make a distinction between the one who speaks and the one who uses language. Not every language user can speak. What I mean here is not the empirical ability to use speech, but a typically human act. Animals communicate. People speak, talking to one another. However, speech is something more than just using language. As emphasised by structuralists, it is individual, specific, random and incidental (de Saussure 1983; Derrida 2011) It does not take much to notice that the ethics pursued by philosophers includes only those beings who can potentially speak.⁶ An animal will never talk to us as indeed it cannot.

⁵ “Moreover, we have argued that thinking in terms of the properties of animals, as the defining feature of their moral standing, is itself not a morally neutral procedure, but has already opened up the possibility of treating animals as “standing reserve” and has created an unbridgeable conceptual, moral, and practical gap between “us” and “them”, between the human and non-human. Our moral thinking and our moral language, which are intrinsically bound up with our practices, technologies, and geographies, turned out to be effective methods for defacing animals and letting them appear not as an other who matters but as what does not count. What is needed then in response to this problem, is not more of the same—for example yet another, more refined criterion and argumentation concerning moral standing—but a turning or transformation in both our thinking about and our relations to animals, through language, through technology, and through the various place-ordering practices in which we participate” (Coeckelbergh and Gunkel 2014, p. 730).

⁶ I emphasise the potential of speech because, in this approach, the ethical reflection embraces such beings as small babies, sick people and old people suffering from dementia.

Given this perspective it seems that we are back with the easy problem of animal ethics because it could be said that the missing quality animals should share with us is speech. Hence, the problem of whether animals speak or not would be empirical instead of normative. It is not so, however. The question of whether animals have language or communicate is strictly related to the one about their ability to think.⁷ The question about animal thinking comes in the form of an empirical question and seems to belong to the group of such questions as “do animals perceive moving objects?”, “do animals distinguish colours?” etc. It also comes with an empirically grounded answer—yes, at least some animals (e.g. apes) can think. Empirical studies do confirm the ability to think in animals, but, upon closer scrutiny, they only mention their cognitive and adaptive abilities as well as their level of intelligence. While these abilities are undoubtedly related to thinking processes, we are not ready to accord to any animals (or a large group of them) the ability to think. A rat might be able to find its way out of a maze, but should we treat this as an indicator of its ability to think? It seems not. The problem, however, is not to confirm or reject the existence of certain abilities, but to accept the consequences of recognising the possibility of thinking in a given group of animals. I am using the word “possibility” because, even though we do not say that a newborn baby can think, we agree that it soon will—we attribute to it the possibility to think. Likewise with other people who are temporarily or permanently deprived of their faculty of thinking. We do so because, by recognising this possibility, we are obliged to make certain commitments and adopt certain attitudes towards them.

The discussion about the ability to think in animals reveals one important issue. If animals can (at least potentially) think like us, then they must be very similar to us. After all, man is a rational animal as the saying goes. Thus, reason, as the faculty of thinking, becomes the common element shared by man and (at least) some animals. This means that we should change our attitude to them. We should want to include them in our ethical community of potentially rational beings. Yet, we do not. What stands in our way is the fact that the question about animal thinking or the related question about animal speech is not empirical but normative, not to say ethical. It does not belong to the group of empirical questions but is closely linked to such questions as: “do animals deserve respect?”, “can you conduct experiments on animals?”, “can animals be used for entertainment (circus, zoos, hunting, tournaments, contests, fights)?” and “can we talk about animals as persons and in what sense?”. The questions are strictly related as each of them presupposes that man can have some kind of legal, moral etc. commitment towards animals. Consequently, a positive answer to the question of whether animals can think or speak has a direct bearing upon the change in our treatment of them. Thus far, my reflections correspond to those of David Gunkel and Mark Coeckelbergh. Stopping at this point, however, leaves our problem unsolved.

⁷ I am citing Piekarski (2015).

Why is Ethics the Ethics of Speaking Beings—An Answer to the Hard Problem

Reluctance to recognise animals as thinking beings is not scientific but philosophical and ideological, motivated by different beliefs about morality and ethics, customs and tradition. Even if we agreed with the thesis whereby animals think or speak, proponents of this approach would say that animal thinking is different than ours, i.e. human. It is now apparent why my thesis whereby ethics can only be the ethics of speaking beings is not empirical but normative. This normativity is related to the conviction that ethics is constituted based on the “close-far” opposition.⁸ As an illustration, let us imagine the following story.

Imagine you come back home exhausted after a hard day at work. You open the door and find your dog standing behind it, as usual, wagging its tail. There wouldn't be anything extraordinary about it if it wasn't for the fact that, as you open the door, the dog runs up to you and utters the following, intelligible words: “Hello! It's nice to see you back. What's for lunch today? Are we going to walk in the park again?” Imagine how surprised we would be if we witnessed or were part of such a scene.⁹ It seems that the attitude we have to our pet would change rapidly. The animal would become even closer to us.

If this example is not entirely convincing, let us imagine a moving scene where a duck flies up to a hunter loading his gun, looks him straight in the eyes and says: “Please! Don't kill me! I am just like you!”. The day animals started to speak human language would be a watershed moment. It seems that it would bring about a radical change in our understanding of animal rights, our views on eating meat, our consent to medical experiments on animals etc. Just as we would not like anyone to kill our pet dog or conduct experiments on it because the animal is close to us, we would probably want to stop kill and experiment on other animals as they, too, would become much closer as speaking beings. Their otherness would be accepted as, in a way, animals would become just like us.

The examples I have provided are fictional but they help illustrate a constitutive quality of our ethics. Human ethics is the ethics of those who can speak, and not just in any language, but a language which we understand.¹⁰ A language which is human. These statements are not evaluative. Neither do they refer to the empirical ability to speak or the privileged position of the human language. But they do point out to a trait in human rationality which I consider important. We offer concern, responsibility, care and protection to those who are close to us. The animal is the remote Other which cannot be included in our “rational” ethics of speaking beings. It seems that, contrary to what Levinas thought, Alain Badiou was right saying that we recognise the otherness of the Other when he resembles us (Badiou 2001).

In conclusion, the solution to the hard problem of animal ethics entails the need to reconsider man's place in the world and his self-understanding. The way we treat

⁸ For more information on the subject, see: Waleszczyński (2013, p. 148).

⁹ The point is well made by the story in the animated film *Up* by Disney/Pixar.

¹⁰ We could make a distinction here between (human) speaking and (animal) communication.

animals reflects how we think of ourselves. I would like to expand on this topic in the last part of my reflections.

Conclusion: From the Ethics of Speaking Beings to the Ethics of Commitment

David Gunel and Mark Coeckelbergh say that if we want to find a solution to the problems related to the moral standing towards animals, we should focus on continental philosophers (Heidegger, Levinas, Derrida) rather than analytical ones (Coeckelbergh and Gunkel 2014, p. 716). I think this perspective is right. Concluding my reflections, I would like to pick up on some comments made by Martin Heidegger and Jacques Derrida which can help us solve the hard problem.

I have mentioned before that human ethics is based on certain features of human rationality. Derrida and Heidegger seem to suggest that philosophy embodying *Logos* has so far been based on a form of humanism. Since ethics has been an integral part of philosophy for centuries, then its nature must be humanistic. What does this mean? Humanism gives primacy to one of the animals, i.e. the so-called *animal rationale*, separating it from others which are deprived of the ability to speak.¹¹ The reason is that “the essence of humanism is metaphysical, which now means that metaphysics not only does not pose the question concerning the truth of being but also obstructs the question, insofar as metaphysics persists in the oblivion of being. But the same thinking that has led us to this insight into the questionable essence of humanism has likewise compelled us to think the essence of the human being more primordially” (Heidegger 1998, p. 262).¹² Our thinking is founded on a rift dividing us from other animals. Bridging this rift is difficult but not impossible. It seems that there are two potential ways in which this can be accomplished. One is related to Heidegger’s destruction of the history of metaphysics and Derrida’s attempt to deconstruct fundamental concepts in the philosophical lexicon. The method is arduous and I have certain doubts about its viability. The other is pragmatic. One of its interpretations is suggested by the authors of *Facing Animals*. It consists in changing our existing practices of relating to animals, that is making a technological change in our way of life. My interpretation is also pragmatic but I would not associate it primarily with material and technological changes. I would rather focus on understanding the nature of what we call commitment.

Robert Brandom (1994) says that the rational community of language users is based on different commitments. All practice is based on commitment and entitlement. Both are normative. In the former case, we are committed to do something, which is to say we have a duty to take some action. In the latter, we are entitled to do something. Making a commitment entails taking responsibility. Thus, commitment changes the nature of our practices because it “feeds back” into itself.

¹¹ “Because plants and animals are lodged in their respective environments but are never placed freely into the clearing of being which alone is “world,” they lack language [speech—MP]” (Heidegger 1998, p. 248).

¹² See also: Derrida (1982).

Being committed to the Other, I also become committed to myself. At the same time, I entitle myself to something. This “inbound” or internal commitment reveals itself in our sense of being a truthful, honest, fair or, simply, good person. Thus understood, commitment may lead us to a new ethics which will be based neither on what the Other has to give, teach and offer to us nor on what we have in common. The kind of ethics I mean should be founded on this internal commitment which is expressed in the following attitude: I am committed to the Other because I am committed to myself.¹³ It is only secondarily that commitments take on their ethical nature. Put succinctly, ethics is based on a more basic experience of normativity which is expressed in language as commitment.

In the ethics of commitment, it is not important who the Other is. It does not matter whether it is a “human” or a “non-human” animal. I respect you, I care for you and do not abuse you because I want or feel the need to be a better person—more open, unprejudiced or just good. I act in such and such a way because I feel an internal commitment (I commit myself) to make certain commitments towards the Other. Commitment precedes ethics and makes it possible. It is only when we realise this that we can arrive at a genuine change in our attitude to animals and our way of life.

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¹³ We need to underline that the concept of commitment is first and foremost normative-pragmatic and is strictly related to the linguistic dimension of experience. I will illustrate this with a simple example. In a simple communication situation, when I say, for example, “It’s raining”, I commit myself to tell the truth or, in other words, I commit myself to utter a statement which will express my genuine belief. On the other hand, my interlocutor commits me to do so, that is he entitles me to tell the truth. By virtue of being my interlocutor, the person, as it were, commits himself to take what I say “seriously”, etc.

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